


Brownfields Properties:

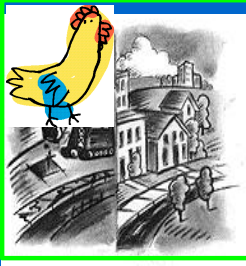
How can DNR assist your project?

Darsi Foss, Chief
Brownfields Section
Wisconsin DNR




A brownfields is...

- An abandoned, idle or underused industrial or commercial facility or site,
- the expansion or redevelopment of which is adversely affected
- by known or perceived environmental contamination.



How can the State help?

- Locating brownfields
- Consulting on liability protections
- Explaining funding sources
- Providing technical assistance



Access through main RR web page:
www.dnr.state.wi.us/org/aw/rr/

Wisconsin Department of Natural Resources

BRRTS
Bureau for Remediation and Redevelopment Tracking System

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What is on BRRTS ?

- All sites with known hazardous substance discharges
 - Leaking Underground Storage Tanks (LUST)
 - Spills of Hazardous Substances
 - Environmental Repair Program Sites
 - Open and closed sites

WI DNR Activities at release sites

Activity Number	Activity Type	Activity Name	Site Name	Address	County	SPR Number
00110001	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110002	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110003	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110004	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110005	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110006	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110007	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110008	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110009	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000
00110010	1000	HAZARDOUS WASTE REMEDIATION	HAZARDOUS WASTE REMEDIATION	1000 1ST ST MADISON	Madison	SPR 1000

Records 1 to 1 of 1

First Previous Next Last

Download Data

New Query

Wisconsin Department of Natural Resources

So, you've found a property...

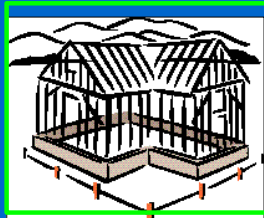


More hints:

- call DNR's regional office early
- scope out *what* you need
- communicate to DNR *when* you need it

How to Define your Costs

Check out our tools to help clarify and define your environmental liability.



In Wisconsin....

- A person is required to clean up contaminated property if they:
 - cause,
 - possess (i.e. own), or
 - control a hazardous substance discharge
- To deal with brownfields properties, state law was modified to exempt certain persons from this general cleanup requirement.
- Financial incentives created as well.

...

Liability Protections


Protections
for:

- Local Governments
- Voluntary parties
(developers, LGUs & non profits)
- Lenders
- Neighboring
properties



...

Local Government Exemption




- Local governmental unit (LGU) exemption in Spill Law allows LGUs to:
- Take title to a property in specified ways &
- They are not required to investigate or clean up the property
- If certain conditions are followed by the local government

...

LGU EXEMPTIONS

Who is eligible?:



others...

counties

Housing
authorities

CDAs

cities


towns

villages

LGU Exemption

Exemption applies if acquired through:


- tax delinquency
- bankruptcy proceedings
- condemnation
- eminent domain
- escheat
- slum clearance or blight elimination
- using Stewardship funds, if signed cleanup agreement



LGU Exemption

Conditions:


- LGU must report discharge.
- NOT transferable from LGU to a private party
- must remove underground storage tanks.
- LGU may need to conduct certain environmental actions if the LGU "reuses" the property.



Local Government Cause of Action

Local Government:

- Can acquire a property involuntarily
- Clean it up
- Recovery costs from person who caused & last owner



Liability Exemption: Lenders and Representatives



Applies to "government entity engaged in secured lending"

s. 292.21, Wis. Stats.

Lender Exemption

- Liability exemption from certain provisions in state laws
- Intended to encourage lenders to finance brownfield projects
- s. 292.21, Wis. Stats.

Lenders & Representatives

- Exemption applies under these conditions:
 - normal lending;
 - being a representative;
 - inspecting property;
 - enforcing a security interest (personal property or fixtures); and
 - acquiring property (foreclosure).

Off-Site Exemption

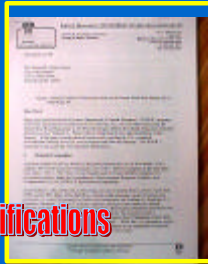
Property affected by
contamination from another
source property

s. 292.13, Wis. Stats.

DNR Comfort Letters



Simple Clarifications



General Liability Clarification Letters

- Clarifies "who" is responsible for "what"
- Examples of situations clarified for a fee:
 - lender liability;
 - LGU liability;
 - lease situations;
 - off-site situations for prospective purchaser;
 - area-wide contamination situations;
 - EPA interest in property;
 - if a site investigation is needed;
 - DNR's criteria for reopening cleanup; and
 - previous owner conducting cleanup.


Financial Incentives

Where can I find public moneys to assist with my clean-up or development project?



Definitive Source of Info

- Financial assistance:
 - Direct \$: grants and loans
 - Indirect \$: tax tools
- Federal, state & local sources



DNR Site Assessment Grants

- Local Governments
- Eligible costs:
 - assessments
 - investigations
 - demolition
 - tank removal
 - asbestos removal
- Not eligible:
 - cleanups



DNR Site Assessment Grants



Two levels of funding:

- Grants of \$30,000 or less
- Large grants, between \$30,001 & \$100,000

DNR Site Assessment Grants



Return on state's investment:

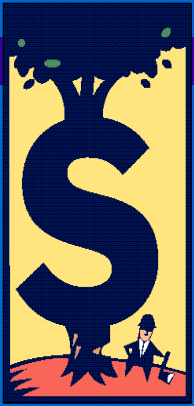
- 54 Phase I environmental site assessments
- 90 Phase II environmental site assessments
- 72 site investigations
- 198 structures and buildings demolished
- 162 underground storage tanks removed

Stewardship Grants

- Funds can be used to acquire and develop property for the following purposes:
 - Urban Rivers
 - State Trails
 - Urban Green Space
- Can be used to acquire a brownfields property
- Greater weight given in scoring to brownfields

DNR Green Space & Public Facility Grants

- \$1 million available
- For local governments
- Used to clean up brownfields
- Green space & public facility projects



Turn this



...into this!



State Trust Fund Loan Program

- Administered by the Board of Commissioners of Public Lands
- Eligible parties:
 - cities, counties, towns, villages
 - lake protection districts
 - metropolitan sewerage districts, town sanitary districts
 - school districts, technical college districts

State Trust Fund Loan Program



- Funds the following activities:
 - site cleanup;
 - construction;
 - road repairs;
 - water and sewer projects; and
 - purchase of vehicles and equipment (ex: snowplows).
- Borrow up to \$5 million annually
- Terms up to 20 years

BEBR Grants

- Blight elimination & brownfields remediation grants for local governments
- Aimed at smaller municipalities
- Community Development Block Grant (CDBG) program for non-entitlement communities
- Assist communities with assessing and/or remediating environmental contamination
- Department of Commerce

Commerce BF Grants





- Eligible Costs include:
 - acquisition
 - investigation
 - remediation
 - demolition
 - redevelopment and remediation
- Competitive Process

Commerce BF Grants

- \$7 Million per year
- Applicant can be business, municipality, or non-profit organization
- A phase I and II environmental assessment has been conducted
- To promote environmental cleanup and economic development
- Administered by the Department of Commerce

HUD Funds



BEDI grants:

- Granted to LGUs
- Provided to support Section 108 loan guarantee funds
- eligible activities:
 - acquisition
 - demolition
 - cleanup
 - redevelopment

Federal Tax Deduction



- Non petroleum contamination
- Environmental costs fully deducted year incurred
- Need DNR letter
- DNR publication RR - 592

Environmental Remediation TIF



- Reimburse eligible costs of a local government
- Does not count against TIF limits
- Can be created by:
villages, cities, towns, and counties

Environmental Remediation TIF

Eligible costs:

- Capital costs
- Financing & professional service costs:
 - investigation
 - containment
 - property acquisition
 - demolition
 - removal of underground storage tanks or abandoned containers
 - monitoring
 - restoration

How can I take title to a tax delinquent property?



- County must transfer property to municipality for no consideration if:**
- municipality makes written request;
 - property is contaminated;
 - request occurs within 2 years of redemption period; and
 - county does not want to take title.
- See s. 75.17, Wis. Stats.

Cancellation of Delinquent Taxes

- Allows Counties and City of Milwaukee to cancel all or portion of back property taxes if:
 - property is contaminated; and
 - purchaser enters into and agreement with DNR to cleanup property.
- s. 75.105, Wis. Stats.



Assignment of Contaminated Tax Delinquent Property



- Counties and City of Milwaukee pursues foreclosure on tax lien
- Local government stays out of chain of title
- Assign judgment for tax delinquent brownfields to new owner
- Owner must enter into agreement with DNR to cleanup property
- See s. 75.106, Wis. Stats.

State Technical Assistance

DNR can provide:

- reviews of assessments
- approval on cleanup plans
- technical suggestions & helpful hints



Green Team Meetings



Green team meetings:

- multi-agency help sessions
- aimed at starting project on positive note
- identifying roles & responsibilities
- assist with problem-solving

Interested?

Call:

Darsi Foss (DNR) @
608-267-6713

Jason Scott (Com) @
608-261-7714



Brownfields Development Projects

- They can be done.
- Hire a good consultant.
- Form partnerships!
- Consult with state & feds, early and often.
- Understand choices = costs.




Plata Condominium 55th Street

www.dnr.state.wi.us/org/aw/rr



Be "in-the-know"

FIND OUT MORE!

- HUD:
www.hud.gov
- EPA:
www.epa.gov/swerosps/bf
- Commerce:
www.commerce.state.wi.us/CD/CD-bfi.html